

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**MARJORIE ANDERSON-SOLEY,**

**Plaintiff,**

**ORDER**

**- against -**

**04 CV 5387 (NG) (VVP)**

**DUANE READE, INC.,**

**Defendant.**

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**GERSHON, United States District Judge:**

Defendant Duane Reade, Inc., has moved to dismiss the complaint of plaintiff Marjorie Anderson-Soley, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e) *et seq.*

Under the Supreme Court's holding in *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002), a plaintiff alleging employment discrimination need only satisfy the notice pleading standard of Rule 8(a) of the Federal Rules of Civil Procedure to survive a motion to dismiss. The court is persuaded that plaintiff's complaint sufficiently states a claim under Title VII, therefore, defendant's motion is denied.

As indicated at oral argument on January 4, 2006, the parties are directed to contact Magistrate Judge Viktor Pohorelsky to schedule a conference regarding discovery and possible settlement. The parties are further directed to expeditiously complete discovery and to begin discovery immediately.

**SO ORDERED.**

*/s/ Nina Gershon*  
**NINA GERSHON**  
**United States District Judge**

**Dated: Brooklyn, New York  
January 5, 2006**